

REMARKS

Claims 1-3 and 5-10 are all the claims pending in the application.

Claim Rejection – 35 U.S.C. § 112, First Paragraph

The Examiner rejected claims 1-3 and 5-10 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

The Examiner contends that “light emitting space” and “light emitting diode of a flat surface emitting type” is not described in the specification

Applicant respectfully submits that the present amendments to claims 1 and 7 obviate this rejection.

Claim Rejection – 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 1-3 and 5-10 as being indefinite for failing to particularly point out and distinctly claim the subject matter the applicant regards as the invention.

Applicant respectfully submits that the present amendments to claim 1 obviate this rejection.

Claim Rejection – 35 U.S.C. § 102(b)

The Examiner rejected claims 1-3, 5 and 8-10 as being anticipated by Applicant’s admitted prior art (“APA). Applicant traverses this rejection for the reasons set forth below.

Applicant respectfully submits that the APA fails to disclose, at least, “wherein the light emitting surface emits light toward said light mixing space such that light emitted is directly transmitted toward said light mixing space in a direction such that the light emitted does not directly impinge said window section,” as recited in claim 1.

The Examiner contends that the APA discloses all the features of claim 1. However, Applicants submit that the light emitted in the APA from either the device of FIGS. 1A and 1B, or the device depicted in FIG. 2, directly impinges the creamy white lens 3 or window 22, respectively. In particular, with reference to FIG. 1B, the APA discloses that three-color LED 11 substantially faces an emblem 5 and creamy white lens 3. Accordingly, the light emitted from the LED 11 directly impinges the creamy white lens 3. Similarly, with regard to FIG. 2, this mobile phone has a surface emitting LED 11 which directly impinges on the light refractor sheet 25 and window 22, which form a side of the alleged light mixing space.

Consequently, because neither device disclosed in the APA discloses a light emitting surface which emits light that does not directly impinge a window section, the APA fails to disclose all the features recited in claim 1.

Thus, Applicant submits that claim 1 is allowable for at least this reason. Additionally, Applicant submits that claims 2-3, 5 and 8-10 are allowable, at least because of their dependency.

Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 6 and 7 as being unpatentable over APA in view of Ariga et al. (US 5,486,816). Applicant traverses this rejection as follows.

Applicant submits that because Ariga, either taken alone or in combination with the APA, fails to compensate for the above noted deficiencies of the APA, that claims 6 and 7 are allowable, at least because of their dependency from claim 1.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No.: 10/691,575

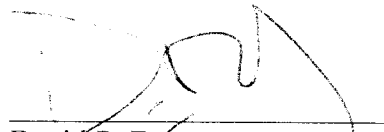
Attorney Docket No.: Q78019

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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